

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1648

Kenneth Wright: Mary C. Wright,

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Plaintiffs-Appellants,

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v.

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Sears Roebuck & Company;

*

*

Defendant-Appellee,

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*

Signal Delivery Service, Inc.,

*

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Third Party Defendant-
Appellee.

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Appeals from the United States
District Court for the Western
District of Missouri.

No. 99-2148

[UNPUBLISHED]

Kenneth Wright; Mary C. Wright,

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Plaintiffs,

*

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v.

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Sears Roebuck & Company,

*

*

Defendant,

*

*

v.

*

Sears Roebuck & Company;	*
	*
Third Party Plaintiff-	*
Appellant,	*
	*
v.	*
	*
Signal Delivery Service, Inc.,	*
	*
Third Party Defendant-	*
Appellee.	*

Submitted: March 13, 2000
 Filed: March 23, 2000

Before MORRIS SHEPPARD ARNOLD and FAGG, Circuit Judges, and BENNETT,*
 District Judge.

PER CURIAM.

Kenneth Wright and Mary C. Wright appeal the district court's adverse grant of judgment on the pleadings in favor of Sears Roebuck & Company (Sears) in the Wrights' diversity action for personal injury. The district court concluded the Wrights' lawsuit was time barred under Missouri law. We review a grant of judgment on the pleadings under a well-established standard. Because this is a diversity action, we review de novo questions of state law. Having considered the record and the parties' briefs, we are satisfied the district court correctly applied controlling state law, and the record supports the district court's ruling. We are also satisfied the district court did

*The Honorable Mark W. Bennett, Chief Judge, United States District Court for the Northern District of Iowa, sitting by designation.

not abuse its discretion in denying the Wrights' motions to file an amended complaint and to file additional suggestions in opposition to Sears's motion for judgment on the pleadings. Because a comprehensive opinion in this diversity case would lack precedential value, we affirm on the basis of the district court's ruling without further discussion. See 8th Cir. R. 47B.

We dismiss Sears Roebuck & Company's appeal from the district court's adverse grant of summary judgment on the pleadings in favor of Signal Delivery Service, Inc. as moot.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.